

7.2 What are the principles underlying public legal proceedings

The following key principles apply to all legal work which the local authority undertakes with children:

- The local authority can only intervene in the care and upbringing of a child without the parents' agreement if the authority obtains a court order following proceedings in which the child, his or her parents and others who are connected with the child are able fully to participate.
- Voluntary arrangements for the provision of services to the child and his family including the consideration of potential alternative carers (including those within the family) should always be fully explored ahead of the making of any application to the courts under Section 31, provided that this does not jeopardise the child's safety and welfare.
- The court may not make an order unless satisfied that the following threshold conditions are met:

(a) the child concerned is suffering significant harm, or is likely to suffer significant harm;

and

(b) the harm or likelihood of harm is attributable to

(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give him; or

(ii) the child is beyond parental control.

The court will only make an order if it considers that doing so would be better for the child than making no order at all. This applies even if the harm threshold is satisfied.

Applications for Care or Supervision Orders should only be made where there is evidence of actual or likely significant harm to a child.

The wishes and feelings of the child must be ascertained. This will generally involve the appointment of a [CAFCASS Cymru](#) Children's Guardian.

When a Care Order is in force the local authority and parents share parental responsibility for the child, subject to the authority's power to limit the exercise of such responsibility by the parents where it is necessary to do so in order to safeguard or promote the child's welfare